



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/855,839	05/16/2001	Michael J. Brunelle	782.1104	9188

21171 7590 09/24/2003

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

[REDACTED] EXAMINER

GAUTHIER, GERALD

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2645

//

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/855,839	BRUNELLE ET AL.	
	Examiner Gerald Gauthier	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____ .
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-21 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on ____ is: a) approved b) disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____ .
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 5 and 7-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Hsu (US 5,907,604).**

Regarding **claim 5**, Hsu discloses an image icon associated with caller ID (column 1, lines 6-8), (which reads on claimed “a call management system”) comprising: a call management server (column 3, lines 12-13 “worldwide telephone system”) residing in a telephony provider network (column 3, lines 12-19) [The videophone is connected to the worldwide telephone system by means of data from the Integrated Services Digital Network]; and

a television call manager (102 on FIG. 1) connected to an entertainment center (124 on FIG. 1) to receive a signal (column 3, line 65 "Caller ID") from the call management server indicating that an incoming call (column 3, line 65 "call") is waiting at the call management server (column 3, line 65 to column 4, line 2) [The caller's act of placing a call send Caller ID information to videophone].

Regarding **claims 7, 8 and 9**, Hsu discloses the selected call handling option is chosen from a group comprising take the call, send the call to voice mail, forward the call to another number, play a message, ignore the call and reject the call (column 4, lines 17-28).

Regarding **claim 10**, Hsu discloses a remote control device in communication with the television call manager, wherein a subscriber selects a call handling option with the remote control device (column 6, lines 2-8).

Regarding **claim 11**, Hsu discloses the entertainment center includes a television (124 on FIG. 1).

Regarding **claim 12**, Hsu discloses a television detector (122 on FIG. 1) in communication with the television to detect when the television is on and to signal the call manager that incoming calls should be routed through the call management system (column 3, lines 31-48).

Regarding **claim 13**, Hsu discloses a caller identification corresponding to the incoming call is displayed through the entertainment center when an incoming call is waiting at the call management server (column 3, line 65 to column 4, line 2).

Regarding **claim 14**, Hsu discloses if the selected call handling option is to take the call, the call management server forwards the call to the television call manager (column 4, lines 17-28).

Regarding **claim 15**, Hsu discloses the call is answered through the home entertainment center (column 4, lines 10-16).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. **Claims 1, 4, 17-18 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles et al. (US 6,505,348) in view of Hsu.

Regarding **claim 1**, Knowles discloses a multiple interactive electronic program guide method (column 1, lines 19-21), (which reads on claimed "a method of managing calls through an entertainment center"), comprising:

receiving in an entertainment system call manager (40 on FIG. 1A) a signal indicating that there is an incoming call (column 23, line 4 "a caller ID pop-up") during a program play (column 23, line 3 "the user is watching television") by the entertainment

system to a user (column 23, lines 1-5) [The IPG displays the caller ID pop-up on a full screen television while the user is watching]; and

presenting by the call manager selectable call handling options in response to the incoming call through the entertainment system during the program play (column 23, lines 5-18) [The user moves the cursor on MENU and presses select for the telephone services to be display].

Knowles fails to disclose handling the incoming call.

However, Hsu teaches handling the incoming call in accordance with a call handling option (column 4, line 21 "simply click") selected by the user (column 4, lines 17-28) [The viewer is able to make a decision by simply click within the image icon if the viewer wishes to accept the call on the television].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the visual cue that allow the user to accept or reject the incoming call of Hsu in the IPG device of Knowles.

The modification of the invention would offer the capability of the visual cue that allow the user to accept or reject the incoming call such as the user would identify a caller in advance of answering a telephone call.

Regarding **claim 4**, Hsu discloses the selected call handling option is chosen from a group comprising take the call, send the call to voice mail, forward the call to another number, play a message, ignore the call and reject the call (column 4, lines 17-28).

Regarding **claims 17 and 18**, Hsu discloses the incoming call corresponds to an incoming text message (column 4, lines 29-51).

Regarding **claim 21**, Knowles discloses a multiple interactive electronic program guide system (column 1, lines 19-21), (which reads on claimed "an entertainment system call manager managing calls through the entertainment center"), comprising:

means for receiving a signal indicating that there is an incoming call (column 23, line 4 "a caller ID pop-up") during a program play (column 23, line 3 "the user is watching television") by the entertainment system to a user (column 23, lines 1-5) [The IPG displays the caller ID pop-up on a full screen television while the user is watching]; and

means for presenting selectable call handling options in response to the incoming call through the entertainment system during the program play (column 23, lines 5-18) [The user moves the cursor on MENU and presses select for the telephone services to be display].

Knowles fails to disclose handling the incoming call.

However, Hsu teaches means (124 on FIG. 1) for handling the incoming call in accordance with a call handling option (column 4, line 21 "simply click") selected by the user (124 on FIG. 1 and column 4, lines 17-28) [The view is able to simply click within the image icon if the viewer wishes to accept the call on the television].

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use the visual cue that allow the user to accept or reject the incoming call of Hsu in the IPG device of Knowles.

The modification of the invention would offer the capability of the visual cue that allow the user to accept or reject the incoming call such as the user would identify a caller in advance of answering a telephone call.

6. **Claims 2-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Knowles in view of Hsu and in further view of Willis (US 6,173,115).

Regarding **claim 2**, Willis teaches buffering the program being played through the entertainment center when the signal indicating that there is an incoming call is received (column 5, lines 8-27).

Regarding **claim 3**, Willis teaches buffering the program being played through the entertainment center in response to a specific user request (column 5, lines 8-27).

7. **Claims 6, 16 and 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsu in view of Willis.

Regarding **claims 6 and 16**, Willis teaches buffering the program being played through the entertainment center when the signal indicating that there is an incoming call is received (column 5, lines 8-27).

Regarding **claim 19**, Hsu discloses an image icon associated with caller ID (column 1, lines 6-8), (which reads on claimed "a method of managing calls through an entertainment center"), comprising:

receiving an incoming call (column 3, line 65 "call") through the entertainment center (column 3, line 65 to column 4, line 2) [The caller's act of placing a call send Caller ID information to videophone].

Hsu fails to disclose automatically pausing and recording a television program and resuming the television program.

However, Willis teaches automatically pausing and recording a television program (column 5, line 56 "recording during pause") played through the entertainment center when the incoming call (column 5, line 60 "a phone call") is received (column 5, lines 56-62); and

resuming the television program when the incoming call is terminated (column 5, line 62 to column 6, line 10).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use automatically pausing and recording a television program and resuming the television program of Willis in the invention of Hsu.

The modification of the invention would offer the capability of automatically pausing and recording a television program and resuming the television program such as the viewer would not lost the television program.

Regarding **claim 20**, Hsu discloses an image icon associated with caller ID (column 1, lines 6-8), (which reads on claimed "a method of managing calls through an entertainment center"), comprising:

receiving an incoming call (column 3, line 65 to column 4, line 2) [The caller's act of placing a call send Caller ID information to videophone];

displaying a menu (252 on FIG.3) on a display (200 on FIG. 3) of the entertainment center (column 4, lines 6-16) [The identification of the caller is displayed on the television screen];

prompting a subscriber (column 4, line 20 "the viewer") to select a call handling option (column 4, line 21 "simply click") from the menu displayed on the entertainment center (column 4, lines 18-28); and

executing a selected call handling option (column 5, lines 61-63).

Hsu fails to disclose pausing a program and unpausing the program.

However, Willis teaches pausing a program (column 5, line 56 "recording during pause") played through the entertainment center (column 5, lines 56-62); and

unpausing the program played through the entertainment center (column 5, line 62 to column 6, line 10).

It would have been obvious to one of the ordinary skill in the art at the time the invention was made to use pausing a program and unpausing the program of Willis in the invention of Hsu.

The modification of the invention would offer the capability of pausing a program and unpausing the program such as the viewer would not lose the television program.

Response to Arguments

8. Applicant's arguments filed on June 30, 2003 have been fully considered but they are not persuasive.

The Applicant stated on page 9, ¶ 3 and 4 that Hsu fails to disclose a call management server in a telephony provider network and a television call manager.

The Examiner respectfully disagrees.

Hsu (column 3, lines 11-30) stated that the videophone is connected to a POTS line, which includes a switch that manages a call received by the system. The videophone acts as a television call manager for sending the incoming call to the television set to display the caller ID.

The Applicant stated on page 10, ¶ 3 that Hsu fails to discuss watching a program on the television.

The Examiner respectfully disagrees.

Hsu (column 5, lines 3-10) stated that the videophone is connected to cable TV system and a direct satellite system (FIG. 5), which suggest that the viewer was watching a TV program when the caller ID was display on the TV monitor.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (703) 305-0981. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4750.

Jewell Tsang
g.g.

September 10, 2003

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Fan Tsang